

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

ALEXANDER YOUNG

Plaintiff,

**JURY TRIAL**

v.

CIVIL ACTION NO  
1:11-cv-01562-ELH

THIEBLOT RYAN P.A.

Defendant.

AUGUST 8, 2011

AMENDED COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692;
2. The Court's jurisdiction is conferred by 15 U.S.C. 1692k and 28 U.S.C. 1331.
3. Plaintiff is a natural person who resides in Baltimore, MD.
4. Plaintiff is a consumer within the FDCPA.
5. Defendant is a debt collector within the FDCPA.
6. Defendant communicated with plaintiff or others on or after one year before the date of this action, in connection with collection efforts with regard to plaintiff's disputed personal debt.

7. Defendant caused to be filed a law suit in the District Court of Maryland on behalf of Bank of America, which was filed on July 20, 2010 signed by Anne Hrehorovich of Thieblot Ryan, P.A.
8. The FDCPA has a one year statute of limitations: "an action to enforce any liability created by this title may be brought ...within one year from the date on which the violation occurs." 15 U.S.C. 1692k (d).
9. The Defendant caused to be mailed a collection letter dated May 30, 2010, were it attempted to collect "pre-judgment interest" included in the "principal amount of the debt" without disclosing to the Plaintiff that it had calculated pre-judgment interest in the principal amount.
10. The Defendant violated §1692e when it failed to disclose the accurate amount of the principal amount of debt.
11. The Defendant violated §1692 e (2) (A). "A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: (2) The false representation of:
  - (A) the character, amount, or legal status of any debt.

12. The Plaintiff alleges that the letter dated May 30, 2010, which was mailed to Plaintiff on June 1, 2010 was not opened by Mr. Young, within 3 business days, due to the fact his mail was being forwarded to him at a new address.

13. The Plaintiff attaches as exhibit 1, a letter sent by Bank of America to Mr. Young, which was forwarded on July 8, 2010 to his new and current address of 1200 Brentwood Ave., Baltimore, MD 21202.

14. The violation of the FDCPA occurred when the Plaintiff opened that letter well past the June 8, 2011 filing of this complaint.

15. Attached hereto and incorporated herein as Exhibit 2 is a true and accurate copy of a letter the Plaintiff received from Bank of America dated May 25, 2010. This letter states that the amount claimed owed by the Defendant in its collection letter and law suit is not owed.

16. Defendant's collection letters are misleading and deceptive in that they ask for payment of a debt based on artificially inflated figures that may confuse the least sophisticated consumer.

17. Defendant's collection letters sent to Plaintiff contain false representations of the character, amount or legal status of a debt, in violation of 15 U.S.C. § 1692e(2)(A).

18. Defendant created or had created an affidavit which was sworn to by the Banks Agent to facilitate the cause of action against Plaintiff.
19. Defendant's affidavit appears on its face to be false and untrue.
20. Defendant represented in court, through documents created for court, that the Plaintiff's balance, which was not actually owed and by requesting a payment based on that artificially inflated total, Defendant's collection letters and law suit sent to Plaintiff constitute false or deceptive means to attempt to collect consumer debt in violation of 15 U.S.C. § 1692e(10).
21. Defendant's actions constitute unfair or unconscionable means of collecting consumer debt in violation of 15 U.S.C. § 1692f.
22. Defendant has failed as of this date to dismiss the state court law suit against the Plaintiff and has specific knowledge that the amount of debt they filed suit on is not owed and their failure to dismiss the state court law suit has itself violated the FDCPA within the past 12 months.

**WHEREFORE Plaintiff respectfully requests this Court to:**

1. Award Plaintiff such damages as are permitted by the FDCPA including \$1,000 statutory damages against the Defendant;
2. Award the Plaintiff costs of suit and a reasonable attorney's fee;
3. Award other and further relief as law or equity may provide

**THE PLAINTIFF**

BY/S/Bernard T. Kennedy  
Bernard T. Kennedy, Esquire  
The Kennedy Law Firm  
P.O. Box 657  
Edgewater, MD 21037  
Ph (443) 607-8901  
Fax (443) 607-8903  
Fed. Bar # Md26843  
[bernardtkennedy@yahoo.com](mailto:bernardtkennedy@yahoo.com)

**CERTIFICATION**

I hereby certify that on 8/8/11 a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

BY/S/Bernard T. Kennedy

P.O. BOX 9004  
RENTON, WA 98057-9004

ADDRESS SERVICE REQUESTED

SEATTLE WA 98103  
08 JUL 2010



PERSONAL AND CONFIDENTIAL

PLAINTIFF'S  
EXHIBIT

980 N 72 1 5101 PO 07/09/10  
FORM 354710

YOUNG ALEXANDER  
120 BRENTWOOD AVE  
BALTIMORE MD 21202-3907

BC: 2120290700 \* 1625-16692-09-09

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## Bank of America



Bank of America  
Check Fraud Claims  
TX1-160-04-01  
PO Box 831000  
Dallas, TX 75283-1000

May 25, 2010

ALEXANDER C YOUNG  
4010 WILSBY AVE  
BALTIMORE, MD 21218-1240

RE: Claim Number 30MAR2010-930275 on Account Number Ending in 2243



Dear ALEXANDER C YOUNG:

I am pleased to inform you that the research has been completed on the fraudulent activity you recently reported to Bank of America. Your claim has been honored. Listed below is an itemization of the amount we deposited.

Today's Claim Payment Account # 2243	\$3,150.00
Fees Refunded Account #	\$0.00
Provisional Credit Previously Paid Account #	\$0.00
Enclosed is Cashiers Check #	\$0.00
Total Claim Paid	\$3,150.00

If you wish to discuss this matter further, please call me at 1-888-701-0075, Extension #6558766 Monday - Friday between the hours of 8:00 am - 5:30 pm CT.

Thank you for banking with Bank of America.

Ashley Herring  
Check Fraud Claims